

REMARKS

This is in response to the Office Action mailed 22 December 2003 for which an appropriate extension of time is hereby petitioned for. The fee for the extension is enclosed, but otherwise may be taken from undersigned deposit account.

In the Office Action, the examiner rejected all claims, excepting claim 36, based on the Waner et al (u.s. Pat. 5,839 446) on the basis of sec. 102 and 103 of the patent law as well as taken official notice as to other aspects of the invention.

On page 2, paragraph 1 of the Office Action the title was also objected to as well as the abstract. Both have been revised in this Amendment and Response document.

Turning to the Waner reference, it discloses a standard laser configuration of a Yag-type with a series of lens and splitting mirrors. These mirrors are disclosed as beam splitters (col. 4 line 40+), but in no case is there a suggestion of making them moveable or how to accomplish same. Consequently, there is no disclosure of a mechanism for rotating mirrors and the necessary circuitry for correlating the on/off actuation of the laser to correspond to the poration targets of interest. None of these teaching are to be found in this reference.

Turning to claim 1, as amended, there is recited a structure including at least one rotating wedge interposed in the path of said light beam capable of redirecting the beam to multiple locations and actuate said light source when said wedge is in position to direct the beam to said target. As mentioned above, the Waner reference teaches a fixed beam, possibly split, but in no case does it have the recited structures. Therefore, the Waner reference cannot suffice as the basis for a sec. 102 novelty rejection. Nor can it sustain a section 103 rejection as it is not enough that the Waner reference *could* be modified to have the features of claim one, it must have the suggestion and

capability. Waner needs substantial inventive input to leap from a fixed position laser/splitter to the complex structure of the present claim. Consequently it is submitted that Claim 1, as amended is now in condition for allowance.

Claims 2-6 add additional features to the combination of Claim 1, not found in the cited reference and likewise not obvious.

Claim 7 as amended further defines the motor control required to achieve poration at selected targets. Likewise, this invention is no where disclosed in the cited art.

Claims 8-25 add further definition to the structure including the use of laser diodes in place of a Yag laser and includes other structural elements of the motor drive which positions the wedge appropriately. These elements are nowhere disclosed in the prior art.

Claims 26 and 28 define the mounting block with spaces apart orthogonal walls for receiving the diodes. Since multiple laser sources are much more difficult to maintain in perfect alignment than a single source (Waner), the use of a mounting block provides an inexpensive yet effective way to positively fix the location and orientation of the lasers. Waner does not have this issue to contend with since it uses a single source, but even so, there is no disclosure of locating it beam-splitting mirrors on a mounting block either. The issue of how to maintain the alignment of the beams is a matter that is not found in Waner and thus is cannot be used as the basis for a sec. 102 or 103 rejection of this claim. Keep in mind that claim 22 (upon which claim 26 depends) calls for a small device capable of being handheld. Such a unit will be subject to considerable abuse and shock and the fixation of the laser sources is critical in preventing misalignment. The Waner device is clearly much larger and does not disclose how to accommodate the rigors of handheld use.

Claim 27 adds further combination of the elements of claim 26 with a controller, not shown in the art.

Claims 30-37 disclosure further combinations built upon the concept of spaced planar walls. In claim 38, the optimum spacing of 800 microns is disclosed. It is a difficult spacing to reliably achieve. The fixed mounting block concept improves the reliability. The ability of this device to reliably create porations with such spacing in itself, makes the claim distinguishable from the cited reference. Remembering that this device is capable of handheld use, and subject to user abuse, it is critical that the laser sources be firmly fixed with respect to each other.

Claims 38- 41 are directed to a method of reliably generating focused light beams. The method includes the step of fixing the beam source on heat sink material. This accomplishes two objectives synergistically, namely fixing the location of the beams and dissipating the heat generated by the lasers. Such a step is not taught nor even remotely suggested by the Waner reference.

Claim 43 is claim 36, indicated as allowable, rewritten in independent form, and should thus be allowed.

Claim 44 is new and is similar to claim 43 in that the essential element which make that claim allowable have been retained. It is noteworthy that this claim calls for an unsplit beams which can be focused on separate locations. The advantage of this combination is simplicity. The structures which are required for redirecting the beam to multiple locations simultaneously are complicated and necessarily require a laser beam of higher intensity (since it will be split). This may not be a problem in a desk mounted unit, but in a device which can be either desk mounted or handheld, the need to conserve power is critical. Thus affixing diode lasers to a mounting block/heat sink solves multiple problems simultaneously. Clearly, the Waner reference is of little support in teaching this synergistic combination.

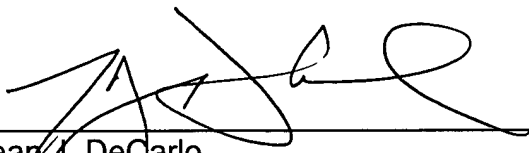
Claim 45 recites recesses for receiving the diodes to further insure that they are reliably assembled in perfect alignment. The Warner reference is of not assistance in teaching this concept.

Claim 46 adds the feature of insulating portions in a manner similar to claim 36, which was found allowable.

It is therefore submitted that the claims, as amended, are allowable over the cited art and should be granted a notice of allowance in response to this Amendment.

If a telephone conferences would be helpful in resolving any issues concerning this communication, please contact Kean J. DeCarlo at (678) 420-9300.

Respectfully submitted,



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